

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6284 OF 2006

Maharashtra State Road Transport Corpn.....		Petitioners
V/s		
Rajaram Babaji Karangutkar....		Respondent.

Office Notes, Office	)	Court' or Judge's Orders
Memoranda of Coram, appearances	)	
Court' orders or directions and	)	
Registrar' orders.	)	

Mr.G.S.Hegde, Adv. for the petitioner.

Ms.Hutoxi Tavadia for respondent No.1.

CORAM: A.P. DESHPANDE, J.

27.2.2007

PC:

The respondent filed a complaint under item Nos.5, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (the "Act") making a

grievance that his salary has been reduced by the Management contrary to the decision of the Joint Consultation Forum which in turn is comprised of representatives of the Management and the Union. The case of the complainant/respondent before the Industrial Court was that one Mr.Aeer was promoted in the year 1986 whereas the complainant was promoted in the year 1981. Though Mr.Aeer was promoted at later point of time, he was granted higher salary and the complainant was being paid less. Under a settlement there is a Forum set up to entertain grievances of the workmen with a view to resolve anomalies and aggrieved by less payment of salary the complainant approached said Forum. The Joint Consultation Forum decided the matter in favour of the complainant and directed that the complainant be paid salary equal to the one paid to Mr.Aeer. This decision rendered and acted upon by the petitioner in January, 1996. At a later point of time, i.e.

sometime in the year February, 2001 the Management has reversed the decision and reduced the salary of the complainant and hence aggrieved by the said action respondent approached the Industrial Court by filing complaint. It was contended by the respondent before the Industrial Court that under the settlement a grievance could be taken before the Joint Consultation Forum which comprises of the representatives of the Management and the employees' Union and decision of the said Forum has been given finality "under the settlement." Thus, by over ruling the decision of the Joint Consultation Forum the petitioner has committed an unfair labour practices covered by item 9 of Schedule IV of the Act. The Industrial Court accepting the said submission has held that the petitioner has indulged in unfair labour practice and thus allowed the complaint touching item 9 of Schedule IV. The said order is challenged by filing the present writ petition. The

learned counsel for the petitioner is unable to point out that there is a power vested in the Management to over rule the decision of the Joint Consultation Forum, which granted parity in the pay scale to the complainant with one Mr.Aeer. The Forum is constituted under a settlement and the Management does not appear to have any power to over rule decision of the said Forum. If this be so, after having acted upon the decision of the Forum and followed the same for almost five years there does not appear to be any justification in withdrawing the monitory benefit granted to the respondent.

Perused the order passed by the Industrial Court. The same does not call for any interference. Hence writ petition is summarily dismissed.

27.2.07.